

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	25-1189, Nat'l Ass'n Diversity Officers in Higher Ed. v. Trump
Originating No. & Caption	25-333, Nat'l Ass'n Diversity Officers in Higher Ed. v. Trump
Originating Court/Agency	District of Maryland

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 USC 1292(a)(1)	
Time allowed for filing in Court of Appeals	60 days under FRAP 4(a)(1)(B)	
Date of entry of order or judgment appealed	2/21/25	
Date notice of appeal or petition for review filed	2/24/25	
If cross appeal, date first appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final judgment or order?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
If appeal is not from final judgment, why is order appealable? Preliminary injunction		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-731-9099.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)		
Case number of any prior appeal in same case		
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
<p>Plaintiffs (the Mayor and City Council of Baltimore and three associations) challenge three provisions of two Executive Orders addressing diversity, equity, and inclusion (DEI) programs. See Executive Order No. 14,151, 90 Fed. Reg. 8339 (Jan. 20, 2025); Executive Order No. 14,173, 90 Fed. Reg. 8633 (Jan. 21, 2025).</p> <p>Plaintiffs allege that the challenged provisions violate the First and Fifth Amendments. On February 21, the district court granted a preliminary universal injunction. On March 3, the district court denied defendants' motion for a stay pending appeal. On March 10, the district court issued a "Clarified Preliminary Injunction" stating that the injunction "applies to and binds Defendants other than the President, as well as all other federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to the [Executive] Orders."</p>

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

1) Whether plaintiffs are likely to prevail on their claim that the Termination Provision violates the Fifth Amendment.

2) Whether plaintiffs are likely to prevail on their claims that the Report Provision violates the First and Fifth Amendments.

3) Whether plaintiffs are likely to prevail on their claim that the Certification Provision violates the First Amendment.

4) Whether the other factors for a preliminary injunction are satisfied.

5) Whether injunctive relief to nonparties was necessary to provide complete relief to the plaintiffs, and whether the district court has authority to enjoin nondefendants.

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: See attached

Attorney:
Address:

E-mail:

Phone:

Adverse Party:

Attorney:
Address:

E-mail:

Phone:

Adverse Parties (continued)

Adverse Party:

Attorney:
Address:

E-mail:

Phone:

Adverse Party:

Attorney:
Address:

E-mail:

Phone:

Appellant (Attach additional page if necessary.)Name: **See attached**

Name:

Attorney:
Address:Attorney:
Address:

E-mail:

E-mail:

Phone:

Phone:

Appellant (continued)

Name:

Name:

Attorney:
Address:Attorney:
Address:

E-mail:

E-mail:

Phone:

Phone:

Signature: /s/ Catherine Padhi **Date:** 3/13/25**Counsel for:** Appellants

Certificate of Service (required for parties served outside CM/ECF): I certify that this document was served on _____ by ☐ personal delivery; ☐ mail; ☐ third-party commercial carrier; or ☐ email (with written consent) on the following persons at the addresses or email addresses shown:

Signature:

Date:

Adverse Parties

Appellees National Association of Diversity Officers in Higher Education; American Association of University Professors; Restaurant Opportunities Centers United; and Mayor And City Council Of Baltimore, Maryland are represented by:

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Appellants

Appellants Donald J. Trump; Dorothy Fink; Department of Health and Human Services; Department of Education; Denise Carter; Department of Labor; Vincent N. Micone, III; Department of Interior; Doug Burgum; Department of Commerce; Jeremy Pelter; Department of Agriculture; Gary Washington; Department of Energy; Ingrid Kolb; Department of Transportation; Sean Duffy; Department of Justice; James R. McHenry, III; National Science Foundation; Sethuraman Panchanathan; Office of Management and Budget; and Matthew Vaeth are represented by:

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